

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY
RE: AUTHORIZING AGREEMENT FOR AUTHORITY APPROVAL
OF SECTION 312 REHABILITATION LOANS, AND
DESIGNATING OFFICIAL AUTHORIZED TO APPROVE
SUCH LOANS ON BEHALF OF THE AUTHORITY.

WHEREAS, under Section 312 of the Housing Act of 1964, as amended (herein referred to as Section 312), the Secretary of Housing and Urban Development is authorized, under the conditions and to the extent provided therein, to make loans (Section 312 loans) to owners and tenants of property in certain areas for the rehabilitation of their property and to delegate to or use as agent any local public agency or organization to the extent he determines appropriate and desirable to carry out the objectives of Section 312 in the areas involved; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin under any program or activity receiving Federal financial assistance and Executive Order 11063 prohibits discrimination on basis of race, color, creed or national origin in sale, lease or other disposition of residential property (including land intended for residential use) or in the use or occupancy thereof; and

WHEREAS, the Boston Redevelopment Authority has responsibility and jurisdiction to carry out one or more Urban Renewal Projects, Neighborhood Development Programs or Certified Area Programs in an area or area delineated in the applicable Urban Renewal Plan, or Grant Contract for Certified Area Program, in which Section 312 loans are authorized to be made; and

WHEREAS, it is desirable and will significantly benefit the rehabilitation objectives of all such projects and programs administered by the Boston Redevelopment Authority for the Boston Redevelopment Authority to have direct approval authority with respect to Section 312 loans:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

1. That Robert T. Kenney, Director is hereby authorized and directed to execute on behalf of the Boston Redevelopment Authority an "Agreement for Public Body Approval of Section 312 Rehabilitation Loans," and to act as the authorized representative of the Boston Redevelopment Authority in connection therewith.
2. That it is cognizant that under an "Agreement for Public Body Approval of Section 312 Rehabilitation Loans" Section 312 loans may be approved only in accordance with outstanding policy of the Department of Housing and Urban Development, as it exists from time to time, and subject to availability of funds therefor.

3. That the Director is hereby authorized to approve, on behalf of the Boston Redevelopment Authority Section 312 loans under the provisions of said Agreement, and such official is hereby directed to approve such loans only in accordance with the policy of the Department of Housing and Urban Development, and subject to availability of funds as determined by that Department.
4. That the United States of America and the Secretary of Housing and Urban Development be, and they hereby are, assured of full compliance by the Boston Redevelopment Authority with regulations of the Department of Housing and Urban Development effectuating Title VI of the Civil Rights Act of 1964 and applicable Executive Orders.

OFFICE OF RECORDING OFFICER

The undersigned hereby certifies that: Kane Simonian

(1) He is the duly qualified and acting Secretary of the Boston Redevelopment Authority, herein called the "Authority", and the keeper of the records; including the journal and proceedings of the Governing Body of the Authority, herein called the "Governing Body".

(2) The attached resolution is a true and correct copy of the resolution as finally adopted at a meeting of the Governing Body held on the _____ day of _____, 19____, and duly recorded in his office;

(3) Said meeting was duly convened and held in all respects in accordance with law and, to the extent required by law, due and proper notice of such meeting was given. A legal quorum was present throughout the meeting, and a legally sufficient number of members of the Governing Body voted in the proper manner for the adoption of said resolution. All other requirements and proceedings under law incident to the proper adoption of passage of said resolution have been duly fulfilled, carried out, and otherwise observed;

(4) If an impression of the seal has been affixed below, it constitutes the official seal of the Authority and this certificate is hereby executed under such official seal. If no seal has been affixed below, the Authority does not have and is not legally required to have an official seal;

(5) The undersigned is duly authorized to execute this certificate.

IN WITNESS WHEREOF the undersigned has hereunto set his hand

this _____ day of _____, 19____.

(SEAL)

ATTEST:

(Signature of Recording Officer)

(Title of Recording Officer)

(Signature of Attesting Officer)

(Title of Attesting Officer)

AGREEMENT FOR PUBLIC BODY APPROVAL OF
SECTION 312 REHABILITATION LOANS

THIS AGREEMENT, made and entered into on the date hereinbelow specified, by and between The Boston Redevelopment Authority, and the United States of America, acting by and through the Secretary of Housing and Urban Development (the Secretary),

WITNESSETH, in consideration of the mutual covenants, promises, and representations contained herein, the parties do agree as follows:

SEC. 1. PURPOSE OF AGREEMENT

The Boston Redevelopment Authority, hereinafter referred to as the Authority, has responsibility and jurisdiction to carry out one or more Urban Renewal Projects, Neighborhood Development Programs, or Certified Area Programs in areas delineated in the applicable Urban Renewal Plan, or Grant Contract for Certified Area Program. The processing by the Authority, and submission to the Department of Housing and Urban Development for approval, of rehabilitation loans under Section 312 of the Housing Act of 1964, as amended (Section 312 loans) is presently authorized with respect to one or more of the areas covered by such project (s) or program (s). The purpose of this Agreement is to extend to the Authority authority to approve, in accordance with the regulations, policies, and requirements (hereinafter called regulations) of the Secretary, certain applications for Section 312 loans, subject to verification by the Secretary of fund availability for an approved loan.

SEC. 2. APPLICABILITY OF APPROVAL AUTHORITY

During the term of this agreement, the Authority shall have final authority to approve applications for Section 312 loans with respect to residential and mixed-use property, which will contain one to four dwelling units after rehabilitation, and which is located in an area with respect to which the Authority has authority to process such loans, as described in Section 1 hereof. The Authority shall exercise such loan approval authority with respect to property in all such areas which come under its jurisdiction during the term of this Agreement. However, no loan approval under authority of this Agreement shall be valid until the Secretary has determined that funds are available therefor, and has notified the Authority thereof.

SEC. 3 NOTIFICATION OF FUND AVAILABILITY

Upon receipt of the documentation required by the Secretary's regulations to be submitted with respect to Section 312 loans approved by the Authority, the Secretary shall promptly notify the Authority in writing whether sufficient funds are available for the approved loan.

SEC. 4 COMPLIANCE WITH GOVERNMENT REGULATIONS

The loan approval authority granted by this Agreement shall be exercised in accordance with the procedures and requirements established by the applicable regulations of the Secretary in effect from time to time. In particular, the Authority shall not notify an applicant of loan approval until receipt of notice of availability of funds for the loan from the Secretary.

SEC. 5. EFFECT OF FAILURE TO COMPLY

- a. Grounds for Termination. Failure of the Authority to comply with the procedures and requirements of the Secretary with respect to loan approval, or with respect to other aspects of the Section 312 loan program, are grounds for termination of this Agreement at the option of the Secretary. However, such failure shall not create or justify any claim against the Government on the part of any third person, and shall not constitute grounds for any third person to contest the validity of any Section 312 loan approved by the Authority under authority of this Agreement and during its term.
- b. Defend and Hold Harmless. The Authority will warrant, defend, and hold harmless the Government with respect to all claims and losses caused by its failure to comply with the regulations of the Secretary and the requirements of applicable State and local law in its approval of Section 312 loans under authority of this Agreement, and in the subsequent settlement and administration of loans so approved. In the event the Secretary's regulations and the requirements of State and local law are inconsistent, the Authority shall request advice from the Secretary prior to approval of the Section 312 loan.

SEC. 6. RESTRICTION ON OFFICIALS AUTHORIZED TO APPROVE LOANS

The Authority shall not initially or at any time during the term of this Agreement confer its authority to approve Section 312 loans under this Agreement upon any officer or employee who exercises any duties or responsibilities in the administration of the Authority's Section 312 Loan Program, including, without limitation:

- a. Preparation of rehabilitation work writeups or cost estimates, or of construction contract documents;
- b. Obtaining information with respect to, completing with the borrower, or processing a Section 312 loan application or any of the related documents constituting the loan application file;
- c. Selection of or negotiation with contractors to perform the rehabilitation work;
- d. Authorization of disbursements from the rehabilitation escrow account, or signing or countersigning of checks drawn on the rehabilitation escrow account;
- e. Inspection of the rehabilitation work to ascertain whether the work is completed or for the purpose of authorizing any partial payment requested by a contractor; or
- f. Authorization of signing or signing of Form HUD-6245, Certificate of Final Inspection.

SEC. 7. SUBMISSION OF DOCUMENTATION

Promptly upon approval of a Section 312 loan by an appropriate official of the Authority, the Authority shall assemble and transmit to the Secretary the documentation required to be submitted with respect to a Section 312 loan approved by a Public Body, in accordance with such requirements and regulations of the Secretary as shall be in effect from time to time. The Authority shall also promptly submit copies as required of any resolutions affecting the identity of Authority officials authorized to approve Section 312 loans under the Agreement, any notices of the Authority's determination to cancel the Agreement, and any other required documentation or reports, in accordance with such requirements and regulations.

SEC. 8. SUPERVISION, ADMINISTRATION, AND INSPECTION

The Authority shall, at all proper times, provide or cause to be provided competent and adequate architectural, engineering, financial and other technical supervision and inspection of rehabilitation work financed by Section 312 loans approved under this Agreement. The Authority shall keep full and accurate books and records with respect to Section 312 loans approved under this Agreement, and with respect to its administration of the Section 312 loan program, and shall maintain them in accordance with such requirements and regulation of the Secretary as shall be in effect from time to time. The Authority shall, at any time during normal business hours, and as often as the Secretary or the Government may deem necessary, permit the Secretary or any other representative of the Government, to inspect, make excerpts or transcripts of, copy, and audit such books and records. The Authority will cooperate in any inspection of rehabilitation work financed by Section 312 loans approved under this Agreement, as deemed necessary by the Secretary or the Government.

SEC. 9 COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964

The Authority will perform its activities under this Agreement in accordance with all requirements imposed by, or pursuant to regulations of the Secretary effectuating, Title VI of the Civil Rights Act of 1964.

SEC. 10 CANCELLATION OF APPROVED LOANS

The Secretary reserves the right to cancel Section 312 loans approved by the Authority, in accordance with the requirements and regulations of the Secretary in effect from time to time. Upon receipt of such notice of cancellation, the Authority shall promptly submit to the Secretary any documentation requested by him, and shall promptly refund the amount of the loan to the Secretary, on account of the Section 312 Loan Revolving Fund.

SEC. 11. RIGHTS UNDER OTHER CONTRACTS

The rights of the parties under this Agreement shall be in addition to, and not in derogation of, the rights of the parties under any contract for Federal assistance with respect to any of the Projects or Programs described in Section 1 hereof under the jurisdiction of the Authority.

SEC. 12. TERM OF AGREEMENT

This Agreement shall be effective from the date hereinbelow specified until terminated in accordance with Sec. 13 hereof.

SEC. 13. TERMINATION OF AGREEMENT

- a. Automatic Termination. This Agreement shall automatically terminate on the official date of closeout of the last project or program (as described in Sec. 1 hereof) under the jurisdiction of the Authority, in the area of which Section 312 loans are authorized.
- b. Termination by Parties. This Agreement shall terminate 30 days after written notice of intent to terminate is sent by one party to the other, except that, when the Authority gives notice of its intent to terminate the Agreement, the Secretary may require the Authority to continue under the Agreement for a specified additional period of time, not to exceed 60 days, in order that arrangements may be made to accomodate the workload resulting from the Authority's termination. Notice of termination under this subsection may be given by either party for cause or convenience.
- c. Suspension or Termination for Cause. The Secretary may, for cause, by written notice to the Authority, require that the Authority discontinue immediately the approval of loans under this Agreement pending completion of specified corrective action by the Authority, or termination of this Agreement.

SEC. 14. EFFECTIVE DATE

This Agreement shall be effective the _____ day of _____
(Month)
_____.
(Year)

SEC. 15. COUNTERPARTS OF AGREEMENT

This Agreement may be executed in _____ counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Authority has caused this Agreement to be duly executed in its behalf and its seal to be hereunto affixed and attested; and , thereafter, the Government has caused the same to be duly executed in its behalf this _____ day of _____, 19__.

(SEAL)

Boston Redevelopment Authority

By _____
Robert T. Kenney, Director

(Type or Print Name of Public Body
Official)

(Title)

ATTEST:

UNITED STATES OF AMERICA
Secretary of Housing and Urban Development

By _____

(Title of Officer Authorized to
Execute)

UNITED STATES GOVERNMENT

Memorandum

TO : H. Daniel Richardson, Jr., Boston Area Office, 1.1S DATE:

FROM : Christano Neves, Rehabilitation Loan Specialist, 1.1PML-2

SUBJECT: Recommendation for Granting Certain Public Bodies
Section 312 Loan Approval Authority

The Regional Office has informed us that the Central Office has recently restated its position that public bodies be authorized to approve Section 312 Rehabilitation Loans; provided they have demonstrated satisfactory performance in the past and possess the capability to undertake this new function.

Pursuant to RHA 7375.1 Supp. Loan approval authorization is hereby recommended for the following public bodies:

- (1) City of Lynn, Mass.
(Western Walnut Improvement Area E-9)
- (2) City of New Bedford, Mass.
(Model Cities South Improvement Area E-22)
- (3) Cambridge Redevelopment Authority
(Wellington-Harrington Urban Renewal Area R-108)
- (4) City of Quincy, Mass.
(North Quincy Improvement Project E-8)
(Quincy Point Improvement Area E-15)
- (5) Boston Redevelopment Authority
(Washington Park - R-24)
(Charlestown - R-55)
(South End - R-56)
(South Cove - R-92)
(Fenway - R-115)

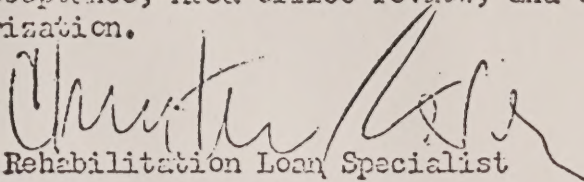
It is noted that the aforementioned public bodies have the authority to approve Section 115 Rehabilitation Grants and each of these public bodies have demonstrated the ability to undertake and properly provide the necessary program functions, and possess a thorough understanding of HUD requirements related to rehabilitation loans. The present workload is moderate, but sufficient to warrant decentralization of loan approval authority at this time. An increase in workload is anticipated.



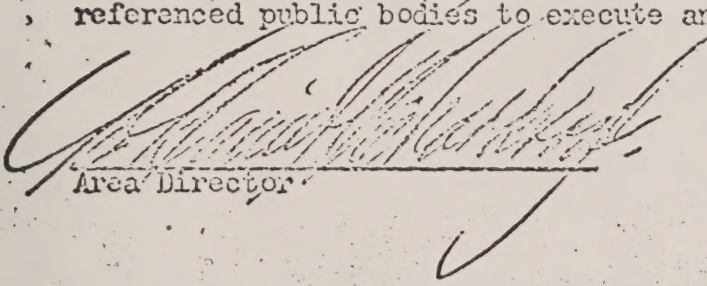
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Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Concurrence or objection to these recommendations was requested of Area Office staff and in the absence of any objections, the proper authorization will be prepared for public body acceptance, Area Office review, and the Area Office Director's final authorization.


Rehabilitation Loan Specialist

Concurrence to the above recommendations and authorization to invite the referenced public bodies to execute an agreement is hereby given.


Area Director


Date

MEMORANDUM

October 14, 1971

TO: Boston Redevelopment Authority

FROM: Robert T. Kenney, Director

SUBJECT: AGREEMENT FOR LOCAL APPROVAL OF
SECTION 312 REHABILITATION LOANS

SUMMARY: This memorandum requests that the Board enter into an agreement with the Secretary of Housing and Urban Development in order to locally approve Section 312 Rehabilitation Loans in urban renewal project areas.

HUD has invited the Authority to participate in the process of local approval of rehabilitation loan funds under Section 312 of the National Housing Act of 1964.

Approval authority has been extended to five cities in the New England Region; cities that have met the following criteria:

- a) sufficient staff with demonstrated ability to undertake and properly provide financial advisory service
- b) a thorough understanding of HUD requirements related to rehabilitation loans
- c) a continuing capacity to train new staff with minimal Regional Office assistance
- d) a rehab workload large enough to warrant decentralization of loan approval authority.

Prior to this invitation, Section 312 rehab loan applications were sent to the HUD Area Office for approval.

By agreeing to participate in the local approval of loans, it is understood that the Authority is limited to approving loans on property containing one to four dwelling units and on mixed-use property containing a combination of up to four units with a non-residential use. The Director will be authorized to approve, on behalf of the Boston Redevelopment Authority Section 312 loans under the provisions of said Agreement.

